

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-004518

08/08/2007

HONORABLE JEFFREY A. HOTHAM

CLERK OF THE COURT

A. Kirkendall

Deputy

IN RE THE MATTER OF
DUANE ALEXANDER

DUANE ALEXANDER
234 W SOUTHERN AVE #156
PHOENIX AZ 85041

AND

CHERLANA DAVIS

CHERLANA DAVIS
1500 BELLA VISTA RD
SUISUN CA 94585

LINCOLN GREEN JR.
FAMILY COURT SERVICES-CCC
TASC - PHOENIX
COMMISSIONER DAVID L HAET
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO
P O CALLER 5000
FAIRFIELD CA 94533

TRIAL SETTING

10:12 a.m. (Courtroom 601) This is the time set for **Telephonic Conference re: Uniform Child Custody and Jurisdiction Enforcement Act (UCCJEA)**. Petitioner/Father, Duane Alexander is present on his own behalf. Respondent/Mother, Cherlana Davis is neither present nor represented by counsel.

A digital audio recording of this proceeding is being made by the "For The Record" recording system in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-004518

08/08/2007

Discussion is held with the Court.

LET THE RECORD REFLECT that the Court has waited for over fifteen (15) minutes and Respondent has not appeared and has not contacted this Court either in writing or by telephone to explain a reason for her nonappearance.

Accordingly, this matter now proceeds.

LET THE RECORD REFLECT that the Court's computer system still reflects Lincoln Green, Jr. as counsel for Respondent and neither he nor his client have appeared.

LET THE RECORD FURTHER REFLECT that this Court's staff telephonically contacts Mr. Green in open court and is advised that he has not had contact with his client. He is therefore unable to provide an update to the Court, other than, Petitioner did not appear for the June 13, 2007 hearing in California and believes that Petitioner was not properly served regarding that matter.

LET THE RECORD FURTHER REFLECT that Mr. Lincoln has obtained copies of Respondent's medical records and has faxed copies over to this Division, which confirmed that Respondent had been previously hospitalized for Paranoid Schizophrenia/Bipolar Disorder.

An oral Motion of Withdrawal as Counsel of Record having been filed by counsel for Respondent in this matter,

IT IS ORDERED allowing **Lincoln Green, Jr., # 021101** to withdraw as counsel of record for Respondent, Cherlana Davis for all further proceedings effective this date.

IT IS FURTHER ORDERED that Respondent shall be prepared to represent herself in all upcoming hearings and trials in this case or will obtain another attorney and will not ask for a continuance on the basis of his/her late appearance in the case.

Discussion continues with the Court regarding the status of the California cause (FFL097326) and the status of the Arizona case.

Discussion continues with the Court regarding Petitioner's TASC results.

LET THE RECORD REFLECT that the Court has received Petitioner's weekly tests which all produced positive readings.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-004518

08/08/2007

IT IS ORDERED affirming the Court's June 21, 2007 minute entry TASC order that Petitioner shall continue to submit to random weekly Screen A testing until further order of the Court.

IT IS FURTHER ORDERED that this Division shall retain the copies of Respondent's medical order.

LET THE RECORD REFLECT that this Court unsuccessfully attempts to telephonically contact Commissioner Haet from the California Court and leaves messages for a return call to this Division.

LET THE RECORD FURTHER REFLECT that if the California Court call, this Court will have further discussion and update Petitioner.

10:39 a.m. Matter concludes.

LATER:

11:15 a.m.

The Court having received a telephone call from Commissioner David L. Haet of the Superior Court of California, County of Solano, and being advised that Respondent is in his courtroom and ready to proceed with the hearing, the two (2) Court's proceed with a concurrent hearing as scheduled earlier on today regarding jurisdictional issues. Respondent/Mother, Cherlana Davis, having been sworn in the California courtroom, presents testimony.

The California Court concluding that the Arizona Court probably has jurisdiction and that the California Court appears to be a forum of non convenience. The California Court deferring to the Arizona Court,

THE COURT FINDS and also determines to except jurisdiction in this matter and affirm Arizona as the home state for the minor child, **Jerrin Jean Alexander (DOB: 04/05/2007)**, for the purposes of the UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act).

THE COURT FURTHER FINDS that this Court has jurisdiction over the minor child herein.

THE COURT AFFIRMS that the Respondent may have parenting time with the minor child on a daily basis, up to the two (2) hour block previously ordered, if she is here in Arizona.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-004518

08/08/2007

THE COURT FURTHER AFFIRMS that Respondent's parenting time with the minor child must be supervised by Petitioner. The Respondent's requests must be reasonable in nature, and must provide at least twenty-four (24) hours advance notice to Petitioner.

The Respondent having advised the California Court that her address is 1500 Bella Vista Rd., Suisun, CA 94585,

IT IS ORDERED directing the courtroom clerk to update Respondent's address in ICIS as stated this date on the record in open court.

IT IS FURTHER ORDERED that Respondent is advised to keep the Clerk of Court notified of any future changes of that address.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits no later than **two weeks prior to Trial**.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **thirty (30) days prior to Trial**.
3. Counsel and both parties shall personally meet, face to face, at least **ten (10) days prior to Trial** to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-004518

08/08/2007

IT IS ORDERED setting **Trial** to the Court on **October 26, 2007 at 1:30 p.m.** before:

Maricopa County Superior Court
Central Court Building
201 W. Jefferson, 6th Floor
Courtroom 601
Phoenix, Arizona 85003

Time Allotted: 2 hours

Issues to be heard:

Remaining custody, parenting time and child support issues

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least **thirty (30) days prior to Trial** setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-Trial Statement pursuant to Rule 6.8, Local Rules of Practice -Maricopa County (Family Court Cases), **no later than five (5) days prior to Trial**.

IT IS FURTHER ORDERED that the Joint Pre-Trial Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to In Re Marriage of Kells, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).
2. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-004518

08/08/2007

4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed inventory and appraisal of property and assets of the parties, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of *Schweiger v. China Doll Restaurant, Inc.*, 138 Ariz. 183, 673 P.2d 927 (App. 1983).

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of Trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that no less than five (5) business days prior to Trial, the parties and, if represented, counsel shall exchange and provide to the clerk of this division any exhibits they shall seek to admit into evidence. All exhibits must clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than three (3) business days prior to hearing. All exhibits shall be hand-delivered directly to court staff at this Division's suite. No Trial exhibits shall be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. Any objections to the proposed evidence must be filed within **two (2) business days prior to Trial**. **Failure to obey these orders may result in exclusion of the exhibit and waiver of objections**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-004518

08/08/2007

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement which exhibits they have agreed will be admissible at Trial as well as any specific objections that will be made to any exhibit if offered at Trial which is not agreed to be admitted. Reserving all objections to the time of Trial will not be permitted. At the time of Trial all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-Trial Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than **thirty (30) days prior to Trial**. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than **ten (10) days prior to Trial**.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All Court proceedings are recorded by an audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) court business days before the scheduled hearing.

IT IS ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/S/ HON. JEFFREY A. HOTHAM

SUPERIOR COURT JUDGE
HON. JEFFREY A. HOTHAM

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.